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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 ROBERT BUCKHANNON, and
11 TERRY RAWSTERN,

12 Defendants.

CASE NO: 2:14-cr-00315-JCM-VCF

**Proposed Complex Case
Schedule (Stipulation)**

13 Pursuant to Local Rule 16-1, the United States, by and through the undersigned, and
14 Defendants, by and through undersigned counsel, submit this Proposed Complex Case Schedule:

15 1. Complex Case. The above-listed parties stipulate that this is a complex case
16 within the meaning of that term under Title 18, United States Code, Section 3161(h)(7)(B)(ii), in
17 that the nature of the prosecution is such that it is unreasonable to expect adequate trial
18 preparation within the time limits prescribed by the Speedy Trial Act.

19 2. Trial Date. The above-listed parties stipulate that they seek to vacate the current
20 trial setting for this matter on December 1, 2014, and set the matter for a firm trial setting in or
21 about mid-October 2015. The United States anticipates it will need at least two weeks to present
22 its case-in-chief.

23 3. Excluded Time. The parties stipulate that all time from the entry of Defendants'
24 pleas in this case until the trial of this matter is excluded under Title 18, United States Code,

1 Section 3161(h)(7)(A) as the ends of justice outweigh the interests of the public and defendant in
2 a speedy trial.

3 4. Pretrial Motions. The parties stipulate that:

4 A. They shall have to and including May 15, 2015, within which to file any
5 and all pretrial motions and notice of defense;

6 B. They shall have twenty-one (21) days after the filing of a pretrial motion
7 within which to file any and all responsive pleadings;

8 C. They shall have seven (7) days after the filing of a responsive pleading
9 within which to file and all replies to dispositive motions.

10 D. For matters which have been referred to a United States Magistrate Judge
11 for Findings and Recommendations ("F&R"), the parties shall have fourteen (14) days from the
12 entry of the F&R to file any objections thereto, and shall have seven (7) days after the filing of
13 any objections to file a response, except as stipulated by the parties and approved by the Court.

14 5. The Parties' Discovery Obligations

15 A. The United States shall begin providing to the defendant its Rule 16
16 disclosures within forty-five (45) days of the defendants' arraignment and upon receipt from the
17 defendants of an electronic device to transfer discovery materials and the execution of a
18 protective order. Consistent with its ongoing discovery obligations the United States will turn
19 over additional materials as they become available.

20 B. The defendant's Rule 16 disclosures, including expert witness disclosure,
21 shall be made immediately, or in all events, no later than on or before ninety (90) days before the
22 date set for trial by this Court in order to allow for sufficient trial preparation.

23 C. Although 18 U.S.C. § 3500(b) relieves the United States of any duty to
24 disclose *Jencks* material until after the government witness testifies on direct examination, in the

1 interest of efficiency the United States will consent to disclose *Jencks* materials no later than
2 thirty (30) days before trial, except: (1) with permission of the Court, for good cause shown; and
3 (2) with the caveat that the United States reserves the right to argue to the Court that exclusion of
4 the witness is not a proper remedy.

5 D. No later than thirty (30) days before trial, the defendant(s) will disclose any
6 statements of witnesses that the defendant(s) intend to call at trial.

7 E. The parties propose that no later than twenty-one (21) days before trial:

8 a. the parties will disclose any summaries, charts or calculations that
9 will be offered in their respective case-in-chief at trial;

10 b. the parties will identify recordings, transcripts of recordings, or
11 portions thereof, that will be offered in their respective case-in-chief at trial.

12 c. the government will provide any evidence of similar acts, as
13 provided by Fed. R. Crim. P. 404(b), that it intends on introducing at trial.

14 6. Duty to Resolve Discovery Matters Informally. Consistent with the Local Rules,
15 the parties agree to make good faith efforts to meet and confer with each other to resolve
16 informally any dispute over the scope, manner and method of disclosures, before seeking relief
17 from the Court.

1 WHEREFORE, the parties respectfully request that the Court enter a Scheduling Order
2 addressing these issues and such other issues as the Court deems appropriate.

3 DATED this the 3rd day of November, 2014.

4 Respectfully submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

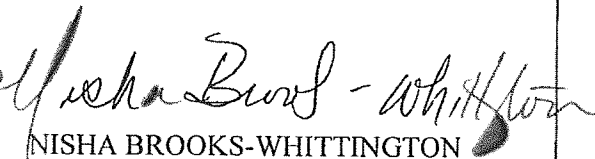
7 /s Kathryn C. Newman
8 KATHRYN C. NEWMAN
Assistant United States Attorney

9 **For Defendant Buckhannon:**

For Defendant Rawstern:

10 RENE VALLADARES
11 Federal Public Defender

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13 DUSTIN MARCELLO, ESQ.

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15 NISHA BROOKS-WHITTINGTON
16 Assistant Federal Public Defender
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT BUCKHANNON, and
TERRY RAWSTERN,

Defendants.

2:14-CR-00315-JCM-VCF

**ORDER FOR COMPLEX CASE
SCHEDULE PURSUANT
TO LCR 16-1(a)**

1. Complex Case. The parties stipulate and the Court finds that this is a complex case within the meaning of that term under Title 18, United States Code, Section 3161(h)(7)(B)(ii), in that the nature of the prosecution is such that it is unreasonable to expect adequate trial preparation within the time limits prescribed by the Speedy Trial Act.

2. Trial Date. The parties have agreed to vacate the current trial setting and to reschedule this matter in October 2015. The United States anticipates it will need at least two weeks to present its case-in-chief.

3. Excluded Time. The parties stipulate that all time from the entry of Defendants' pleas in this case until the trial of this matter is excluded under Title 18, United States Code, Section 3161(h)(7)(A) as the ends of justice outweigh the interests of the public and defendants in a speedy trial.

4. Pretrial Motions. The parties stipulate that:

A. They shall have to and including May 15, 2015, within which to file any and all pretrial motions and notice of defense;

1 B. They shall have twenty-one (21) days after the filing of a pretrial motion
2 within which to file any and all responsive pleadings;

3 C. They shall have seven (7) days after the filing of a responsive pleading
4 within which to file and all replies to dispositive motions.

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6 for Findings and Recommendations ("F&R"), the parties shall have fourteen (14) days from the
7 entry of the F&R to file any objections thereto, and shall have seven (7) days after the filing of
8 any objections to file a response, except as stipulated by the parties and approved by the Court.

9 5. The Parties' Discovery Obligations

10 A. The United States shall begin providing to the defendant its Rule 16
11 disclosures within forty-five (45) days of the defendants' arraignment and upon receipt from the
12 defendants of an electronic device to transfer discovery materials and the execution of a
13 protective order. Consistent with its ongoing discovery obligations the United States will turn
14 over additional materials as they become available.

15 B. The defendants' Rule 16 disclosures, including expert witness disclosure,
16 shall be made immediately, or in all events, no later than on or before ninety (90) days before the
17 date set for trial by this Court in order to allow for sufficient trial preparation.

18 C. Although 18 U.S.C. § 3500(b) relieves the United States of any duty to
19 disclose Jencks material until after the government witness testifies on direct examination, the
20 United States will consent to disclose Jencks materials no later than thirty (30) days before trial,
21 except: (1) with permission of the Court, for good cause shown; and (2) with the caveat that the
22 United reserves the right to argue to the Court that exclusion of the witness is not a proper
23 remedy.

1 D. No later than thirty (30) days before trial, the defendant(s) will disclose
2 any statements of witnesses that the defendant(s) intend to call at trial.

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4 a. the parties will disclose any summaries, charts or calculations that will be
5 offered in their respective case-in-chief at trial;

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7 thereof, that will be offered in their respective case-in-chief at trial.

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9 Fed. R. Crim. P. 404(b), that it intends on introducing at trial.

10 6. Duty to Resolve Discovery Matters Informally. Consistent with the Local Rules,
11 the parties agree to make good faith efforts to meet and confer with each other to resolve
12 informally any dispute over the scope, manner and method of disclosures, before seeking relief
13 from the Court.

14 7. The current calendar call and trial date shall be vacated. Calendar call shall be
15 scheduled for June 10, 2015, at 1:30 p.m. and trial shall be scheduled for
16 June 15, 2015 at 9:00 a.m.

17 DATED November 14, 2014.

18 *James C. Mahan*
19 United States District Judge
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